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BEFORE THE FEDERAL ELECTION COMMISSION

2016 APR 30 AM 9:13

ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

SENSITIVE

MUR: 6871

Complaint Receipt Date: September 15, 2014

Response Date: October 9, 2014

Respondents: Tucker for Congress
Edwin Anthony Stremel
treasurer (collectively the
"Committee")

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2016 MAY -5 AM 9:30

EPS Rating:

Alleged Statutory/

52 U.S.C. § 30120(a)(1)

Regulatory Violations:

11 C.F.R. §§ 100.26, 100.28, 110.11(b)(1)

The Complaint alleges that the Committee violated the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations by distributing an automated telephone message recorded by candidate Joshua J. Tucker, which lacked a disclaimer stating that the Committee had paid for it. Among other things, any political committee's automated telephone message that qualifies as a public communication must contain a statement identifying it as the payor. Respondents concede that they inadvertently omitted that particular statement from the other disclaimer language in the recorded message, but assert that they took quick remedial action after being made aware of the error. In addition, the transcript of the phone message contains information that reflects the identity of the candidate whose committee was responsible for it.

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in

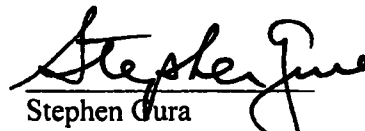
potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating and the other circumstances presented, we recommend that the Commission dismiss the allegations consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

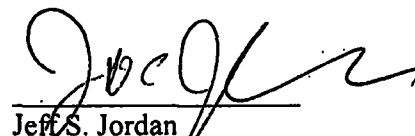
Daniel A. Petalas
Acting General Counsel

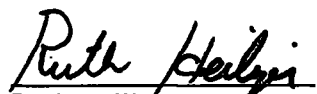
Kathleen M. Guith
Acting Associate General Counsel
for Enforcement

5.4.16
Date

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